

OBSTRUCT, AND INTERFERE WITH THE SURVEY WORKS AND THE CONSTRUCTION OF ACCESS ROADS AND TRANSMISSION LINES OR ANY RELATED WORKS OVER THE LANDS,".

21. On the same page 17, line 13, delete the words "not to exceed" and in lieu thereof, insert the words "RANGING FROM ONE TO".

22. On the same page 17, line 14, delete the words "NOT TO EXCEED" and in lieu thereof insert the words "RANGING FROM ONE TO".

(Sgd.) MAGNOLIA W. ANTONINO  
Senator

The PRESIDENT. To the Calendar of Ordinary Business

The SECRETARY:

(Committee Report No. 312)

Mr. President:

The Committee on Corporations and Franchises, to which was referred: S. B. No. 524 — 7th C.R.P., introduced by Senators Padilla and Tamano, entitled:

"AN ACT AMENDING SECTION FIFTEEN OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND FORTY SIX, AS AMENDED, OTHERWISE KNOWN AS THE PUBLIC SERVICE ACT".

has considered the same and has the honor to report it back to the Senate with the following recommendation:

THAT IT BE APPROVED WITH THE FOLLOWING AMENDMENTS:

1. On page 2, line 16, delete the words "SIX MONTHS" and in lieu thereof, put "ONE YEAR";
2. On the same page, line 22, delete the word "TWO" and in lieu thereof, put "FOUR";
3. On the same page, line 24, delete the period "." and put the following: "PROVIDED THAT GRANTEEES ACTUALLY OPERATING FOR THE LAST FIVE YEARS RENDERING EFFICIENT AND SATISFACTORY SERVICE WITHOUT ANY BONA FIDE COMPLAINT OR OPPOSITION,

SHALL BE ENTITLED TO A LEGISLATIVE FRANCHISE."; and

4. On the same page, line 24, change the words "SIX MONTHS" to "ONE YEAR".

Respectfully submitted:

(Sgd.) AMBROSIO PADILLA  
Chairman  
Committee on Corporations and Franchises

The Honorable  
The President of the Senate  
Manila

The PRESIDENT. To the Calendar of Ordinary Business.

#### SUSPENSION OF THE SESSION

Senator TOLENTINO. Mr. President, I ask that we suspend the session for a few minutes.

The PRESIDENT. The session is suspended for a few minutes if there is no objection. (*There was none.*)

*It was 10:12 a.m.*

#### RESUMPTION OF THE SESSION

*At 10:27 a.m., the session was resumed with the President of the Senate, Honorable Gil J. Puyat, presiding.*

The PRESIDENT. The session is resumed.

Senator TOLENTINO. Mr. President.

The PRESIDENT. The Majority Floor Leader.

#### CONSIDERATION AND APPROVAL ON SECOND READING OF HOUSE BILL NO. 1124

Senator TOLENTINO. Mr. President, I move that we consider House Bill No. 1124.

Consideration of House Bill No. 1124 is now in order.

The PRESIDENT. The Secretary will please read the bill.

The SECRETARY:

AN ACT AMENDING SUBPARAGRAPH SEVEN OF

SECTION SEVENTEEN OF REPUBLIC ACT NUMBERED EIGHT HUNDRED SEVENTY-SEVEN, AS AMENDED, KNOWN AS THE PHILIPPINE NURSING LAW.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Subparagraph seven of Section seventeen of Republic Act Numbered Eight hundred seventy-seven, as amended, is hereby further amended to read as follows:

“(7) The application and execution of legal orders of physicians concerning treatments and medication, INCLUDING HYPODERMIC, INTRAMUSCULAR, AND INTRAVENOUS INJECTIONS: *Provided, however,* That this provision shall not apply to students in schools and colleges of nursing who perform nursing services under supervision of their instructors and professors of nursing and to exchange professors of nursing.”

SEC. 2. This Act shall take effect upon its approval.

Senator TOLENTINO. Mr. President, your humble colleague will sponsor this bill.

The PRESIDENT. The Majority Floor Leader may proceed.

SPONSORSHIP SPEECH OF SENATOR TOLENTINO

Senator TOLENTINO. Mr. President, under Republic Act No. 4704, known as the Philippine Nursing Law, the scope of the practice of the nursing profession is defined. However, this law is silent to whether a registered nurse may legally administer injection to a patient.

This practice of injecting by nurses has been accepted as part of the routine today of the professional nurses for it is part of their training. But the provisions of the existing medical laws and accepted tests of whether an act or operation performed on the human body which constitutes the practice of medicine consider the act of a nurse of administering a hypodermic or an intramuscular injection or even an intravenous in-

jection to a patient as within the scope of the practice of medicine. Thus, the registered nurse would be in jeopardy of being charged with illegal practice of medicine when injecting upon a patient.

This situation and problem occurred very recently in Korea when a 29-year old nurse was accused of violating the medical law by giving an injection to a female tuberculous patient last May.

Mr. President, in order that the matter may be clear in our laws in the Philippines, the bill provides an amendment of the Philippine Nursing Law in paragraph 7 of Section 17, so as to allow the application of injections by registered nurses upon legal orders of physicians. The bill would allow registered nurses to give hypodermic, intramuscular and intravenous injections upon legal orders of physicians. However, Mr. President, there is some objection to allowing registered nurses to give intravenous injections because the effect of an intravenous injection is almost immediate — and if there is something wrong that happens, death may occur even before a physician can be called. An intravenous injection even includes the giving of blood transfusion; it includes the giving of the so-called “drips” or *suerio*. And so we have thought that intravenous injections should not be permitted to nurses yet until it can be shown that in their training, they are really doing this.

I have received a wire, Mr. President, from the leader of the nurses who are advocating the approval of this bill, agreeing to the elimination of intravenous injections from this bill. And doctors also believe that intravenous injections should be administered by them and not by nurses because of the dangers that may follow in the event that nurses alone be allowed to give intravenous injections. I have here a telegram from Mrs. Benita L. Gancy who, I understand, had participated a great deal in the drafting of this bill and who heads the nursing profession in advocating the approval of this bill. I would like to read it. I quote:

"SENATOR TOLENTINO  
SENATE SESSION HALL

FOR SPEEDY SENATE APPROVAL HOUSE BILL 1124 I HAVE NO OBJECTION AS AUTHOR PROPO-  
NENT NURSING LAW AMENDMENT YOUR PRO-  
POSAL WHICH SEEMS MEDICALLY AND CLINIC-  
ALLY CORRECT TO DELETE AND STRIKE OUT  
INTRAVENOUS INJECTIONS STOP THE PRECISE  
AMENDMENT TO SUBPARAGRAPH SEVEN OF  
SECTION SEVENTEEN OF THE NURSING LAW  
WOULD THEN READ QUOTE AND THE APPLI-  
CATION OF HYPODERMIC AND INTRAMUSCULAR  
INJECTIONS UNQUOTE WHEN YOU TAKE UP  
HOUSE BILL 1124 PLEASE MAKE SPECIAL MEN-  
TION ON THE FLOOR OF THE DEEP DEBT OF  
THE NURSES TO SENATORS ANTONINO LAGUM-  
BAY DIOKNO AND ESPINA FOR THEIR SPONSOR-  
SHIP SENATE SISTER BILLS AND CONVEY PLEASE  
TO YOUR SENATE COLLEAGUES THE GRA-  
TITUDE AND THANKS OF THE NURSES FOR  
THEIR ACTIVE INTEREST AND SUPPORT OF THE  
CAUSE OF THE NURSES REGARDS AND THANKS.

BENITA L GANCY"

So, Mr. President, we would like to end our  
sponsorship of this bill. And if there are no ques-  
tions, we would like to insert the amendment that  
we seek to introduce.

Senator PADILLA. Mr. President.

The PRESIDENT. The gentleman from Panga-  
sinan and Manila.

Senator PADILLA. Will the distinguished Ma-  
jority Floor Leader yield to some questions?

The PRESIDENT. The sponsor may yield if he  
so desires.

Senator TOLENTINO. Gladly, Mr. President.

Senator PADILLA. Well, I am not against this  
bill because it may facilitate the implementation  
of orders of physicians. In other words, the injec-  
tion is merely the execution of an order of the  
attending physician. And I notice that many of  
our colleagues have filed identical bills — Sena-  
tors Kalaw, Lagumbay and Antonino. So, they

must have also studied the feasibility and ad-  
visability of this measure.

Now, Mr. President, I notice that this bill was  
referred to the Committee on Revision of Laws.  
Should this not have been referred to the Com-  
mittee on Health?

Senator TOLENTINO. Mr. President, bills re-  
ferring to the professions — even the original mea-  
sures — usually go to the Committee on Revision  
of Laws.

Senator PADILLA. Yes, Mr. President, but I  
believe this bill has reference in particular to hos-  
pitals and medicine, so the proper committee is  
the Committee on Health. Because if every time  
an amendment of an existing law is considered  
the Committee on Revision of Laws will have ju-  
risdiction then all the other committees will prac-  
tically have no jurisdiction, for we are continously  
amending every law, unless the bill if enacted  
would be a new law. Every statute is a law. Now,  
we amend the statute. If an amendatory bill will  
fall under the Committee on Revision of Laws,  
then the other particular committees may be re-  
duced in the scope of their proper jurisdiction.  
But I do not want to be technical, Mr. President.  
My colleague, the gentleman from Cebu — who  
is the Chairman of the Committee on Health —  
is not present, but I notice this point and I am  
expressing my views. I have no objection to any  
particular chairman taking over, especially if the  
other chairman has been consulted. But it seems  
to me that the reference of this particular bill  
should have been made to the Committee on  
Health.

Senator TOLENTINO. Mr. President, maybe  
the distinguished gentleman from Pangasinan and  
Manila has some point there. In fact, when we  
filed a bill amending the Medical Technology Law  
recently, I made it a point to see that it was re-  
ferred to the Committee on Health.

Senator PADILLA. Thank you, Your Honor.

Now, for clarification, with respect to the words

"legal orders," should we not say "lawful orders on instructions in writing"? Usually, an attending physician goes over the report of the nurses and he gives instructions in writing — injections, frequency, potency, etc. The word "legal" may be vague, especially referring to physicians. I think it would be better if we qualify the word "orders" as written instructions or orders of attending physicians in the hospital charts or whatever is the proper terminology. For if an injection is made, the nurse might say, "Well, I received a verbal order from this physician." And there might be two or more attending physicians. I think it must be on orders written or noted in the hospital chart or whatever is the proper term, Mr. President.

Senator TOLENTINO. Well, if the intention is to avoid any doubt as to the existence of the order, then the word "written" would be the best qualification there. But I suppose that the word "legal" here was intended to convey that a doctor may issue illegal orders — and therefore, the nurse is supposed to follow only legal orders of the doctor.

Senator PADILLA. Yes, Your Honor. But how would the nurse decide for herself what is legal and what is illegal? And presumably, all orders of the physician attending a patient are legal, proper and dictated by scientific methods that will ensure the speedy recovery, treatment or rehabilitation of the patient.

Senator TOLENTINO. Would the distinguished gentleman from Pangasinan and Manila believe that his intention would be carried out without changing possibly the original intent of the law by keeping the word "legal" and inserting the qualifying word "written" — "written legal orders"?

Senator PADILLA. Well, I have no objection, but it might give rise to controversy.

Senator TOLENTINO. Supposing a doctor, has a patient to whom he wants to administer a narcotic drug — and he tells the nurse to inject that,

would that be considered as within the practice of the nursing profession?

Senator PADILLA. Well, I am not qualified to answer...

Senator TOLENTINO. That is why I said the word "legal" there must have been intended for a certain purpose.

Senator PADILLA. But I know, Your Honor, that these prohibited drugs, for example, even a little opium, or a small dosage of cocaine or morphine, are illegal for the general public.

Senator TOLENTINO. Yes.

Senator PADILLA. But on certain instances a small dosage of these drugs are being administered or used when directed by the physician.

Senator TOLENTINO. Well, yes, that is correct.

Senator PADILLA. So it will depend upon the nurse to decide the question as to whether a particular instruction or order of a physician is legal or illegal. It may also be dangerous because there is an instruction for injection and the nurse might say, "I doubt whether it is a legal order."

Let us place the responsibility on the physician because the nurse is merely following his order, and she must presume that the order is lawful. If death or other accident should happen and the patient becomes worse or dies, I don't believe the nurse should be held responsible unless she did not faithfully and strictly comply with the order. So this order, I believe, must not only be written but should be specific.

Another point, Your Honor. I believe that the injection to be administered by a nurse should be in compliance with the order of a physician or the attending physician or the head physician, because there are, of course, times when aside from the attending physician, other physicians are being consulted. Supposing one of them gives

a verbal order, and yet the other physicians have not been consulted, I believe that situation may be dangerous.

Senator TOLENTINO. Mr. President, would it not be better to leave that alone? Because there may be some cases when the attending physician may not be around when it is necessary to give injection because of some emergency that may arise where, in turn, the hospital may be called for that purpose and it may call one of its physicians since the attending physician is not around.

Senator PADILLA. Well, I do not think some other physicians should be called if they have no personal knowledge of the diagnosis or the treatment and what is the particular objective of giving the injection.

Well, Mr. President, I made these observations not because I am against this bill. On the contrary, these observations are being made to improve the bill.

Senator TOLENTINO. If the distinguished gentleman could prepare the amendment, we are going to entertain them during the period of amendments.

Senator PADILLA. Thank you, Mr. President.

The PRESIDENT. The gentleman from Batangas.

Senator LAUREL. Will the distinguished sponsor yield to a few clarificatory questions?

The PRESIDENT. The gentleman may yield if he so desires.

Senator TOLENTINO. Gladly, Mr. President.

Senator LAUREL. May I know from the distinguished sponsor whether the insertion of this amendment would already serve to exculpate the nurse from liability if the execution of the legal order of the physician results in the death of the

patient?

Senator TOLENTINO. Well, that will depend; if the nurse was acting with the necessary diligence and that in the application of the injection she was just following the order of the physician, then she would not be responsible for the result.

Senator LAUREL. Only the physician then would be liable?

Senator TOLENTINO. He should be if a wrong medication was ordered or a wrong dosage was ordered.

Senator LAUREL. I would like to cite a specific case that I handled a few years ago.

There was an employee who would go to the company physician every time he caught a cold. The company physician would in turn inject him with crysticillin, or antibiotic. Seven times the employee caught a cold and seven times the company physician ordered the nurse to inject him with crysticillin. He always got well. The eighth time he caught a cold he went to the company doctor, but this time the doctor was out. The attending nurse was there and she knew that the doctor always ordered her to inject crysticillin to the employee. Still, she did not want to inject the employee because there was no express order from the doctor. But the patient insisted: "*Hindi bale. Iniksyunan mo na ako gaya nang ginagawa mo kung narito ang doktor.*" The nurse finally yielded to the importunate demand of the patient and so she injected him with this crysticillin. The next day the patient died. Diagnosis later revealed that the patient was allergic to crysticillin only the allergy did not manifest itself until the eighth injection.

Now, assuming that this amendment is approved and this bill becomes a law, would the nurse be liable under such circumstances?

Senator TOLENTINO. I think so, Mr. President, because there was no order of the physician for her to inject.

Senator LAUREL. Even assuming that the doctor, if he had been present, would have ordered the same injection?

Senator TOLENTINO. We cannot assume that. We cannot assume that the doctor would have done the same because the doctor might have tested the patient for allergy at that stage. So it cannot be assumed.

Senator LAUREL. Supposing, Your Honor, that on that eighth instance the doctor was present and the nurse injected the patient.

Senator TOLENTINO. Upon orders of the physician?

Senator LAUREL. Yes. Will she be liable, or the doctor?

Senator TOLENTINO. It is the doctor who will be responsible.

Senator LAUREL. Not the nurse?

Senator TOLENTINO. Not the nurse because the nurse would simply be following what the doctor told her to do so long as the injection was done by her properly — the dosage was correct. I don't think she would be responsible. It is the doctor who should be responsible.

Senator LAUREL. But without this amendment, it is the nurse who would be responsible?

Senator TOLENTINO. She might. That is what the nurses are afraid of. That is why they want this in, specifically, because it has been claimed even among the physicians that any puncturing of the human body is within the practice of medicine.

Senator LAUREL. Has there been decision to that effect?

Senator TOLENTINO. Not in the Philippines. But there was a court decision in Korea which was publicized here and the nurses here have become scared about it. So they want this very clear

in the law.

Senator LAUREL. What is the law in other countries, Your Honor? In the United States, for instance?

Senator TOLENTINO. I am not in a position to answer that, Mr. President. Because whether this is embraced within the law or not... In fact, I was telling the nurses, "I don't think the amendment is necessary because that is the practice. You nurses never inject without orders of the physician." But they told me, "It is better that it be spelled out in the law. We will feel safer." So whether it is within the law or not, all that they want is to have it spelled out.

Senator LAUREL. Just to feel secure?

Senator TOLENTINO. Yes.

Senator LAUREL. Supposing that the nurse doubted the legality of the order of the doctor? She is not sure. She is not certain that it is illegal. Neither is she certain that it is legal — especially considering that she is not a lawyer — would she be liable?

Senator TOLENTINO. Mr. President, if there is a doubt like that, I do not think that she would be held responsible. It is the doctor who should be held liable. But if it is patently illegal and yet the nurse still goes with it, then she should be actually a participant by her knowledge of the illegality of the order. She is a participant in the illegal act. But when the nurse does not know it is illegal but she has doubt whether it is legal or illegal...

Senator LAUREL. So, in such a case, only the doctor would be responsible? The nurse would not be liable?

Senator TOLENTINO. Yes. Because in the case of the example given of narcotics or morphine, for instance, since it is known that morphine can be injected to patients — let us say, to make them sleep or as a sedative or for any other purposes

that are medically correct — if the nurse is in doubt only as to whether it should be done or not, well, I don't think she should be responsible. But if she knows — I am assuming that she knows — that the patient does not need it but it is being given to him for illegal purposes, so that the drug can be administered to him although he does not need it, therefore, I would say that that would be an illegal act.

Senator LAUREL. May I ask a final question, Your Honor. Supposing it is an extreme case where the patient may die if she waits for the written prescription or directive of the doctor, can she not administer the necessary injection?

Senator TOLENTINO. She will be taking a risk.

Senator LAUREL. So, if the patient survives, nothing will happen to her. If the patient dies, she will be liable?

Senator TOLENTINO. She can be prosecuted only if the patient dies. If the patient survives, nobody will prosecute her.

Senator LAUREL. Of course!

Senator TOLENTINO. Or the question will perhaps never arise.

Senator LAUREL. But there are many cases where a patient may be brought to the doctor, but the doctor is out, and the nurse is there.

Senator TOLENTINO. Well, maybe in those cases it should be treated in the same way as an emergency operation, because this is actually puncturing of the human body where the consent of the patient or the nearest of kin, if he is unconscious, should be required.

Senator LAUREL. Or perhaps the patient is in a state of extreme pain and to relieve the pain, perhaps, she injects the patient with a pain killer without a doctor's prescription. Is that illegal? Because it could happen that the doctor is not there when the patient is brought to the clinic.

Only the nurse is there. But the patient is in extreme pain. There is no doctor to give the "legal order" to administer a pain killer. So to relieve the pain the nurse takes the initiative and injects him with a pain killer. Would that be an illegal act?

Senator TOLENTINO. Mr. President, I would hesitate to give a legal opinion on that, because there are other factors that will have to be taken into account. What was this medicine that was given? Is this a dangerous medicine? Is this something that is just an ordinary first-aid medicine that is given? Those are the things that have to be determined, Mr. President. So, I would hesitate to give a legal opinion on that, because a nurse using a dangerous medicine which could kill . .

Senator LAUREL. No, Your Honor, let us say that the medicine she uses is not lethal. Let us say, that the injection is an ordinary pain killer, say, *Demerol*. It is not one that could kill. Would that be illegal under this amendment?

Senator TOLENTINO. Well, if the patient asks or gives his written consent, I don't think that . .

Senator LAUREL. Because I am under the impression that under this amendment any injection without a physician's written order will be illegal regardless of the circumstances.

Senator TOLENTINO. Yes, because any puncturing of the human body is considered as a practice of medicine, surgery.

Senator LAUREL. Precisely, Your Honor. So, under this amendment, it would still be illegal to administer an injection even if it is an emergency, even if the drug is nonlethal, even if it is merely a pain killer.

Senator TOLENTINO. Yes, all that they have to get is the consent of the patient or the nearest of kin.

Senator LAUREL. But in that particular example that I have given, there was no physician

who could give the directive. The question is: Can the nurse take it upon herself to relieve the patient of his pain without the doctor's written order?

Senator TOLENTINO. I do not think the nurse can do that, Mr. President.

Senator LAUREL. I just want to be very clear on that, Mr. President, because I know that on many occasions a nurse may be tempted to administer an injection without a doctor's written order, just to relieve a patient of extreme pain.

Senator TOLENTINO. As I said, she would be taking a risk.

Senator LAUREL. Thank you, Your Honor.

Senator ROXAS. Mr. President.

The PRESIDENT. Gentleman from Capiz.

Senator AQUINO. Mr. President.

The PRESIDENT. Gentleman from Tarlac if the gentleman from Capiz yields the floor.

Senator AQUINO. Mr. President, I would like to advert to this report from Korea. I checked out this particular news story. And it is not very clear whether the nurse was convicted because the nurse illegally practiced medicine but the nurse used an overdose. The nurse used an overdose of streptomycin, I think, in injecting the TB patient without first going into the preliminary tests on streptomycin or antibiotics.

Usually, Mr. President, when the patient has not yet been injected with antibiotics or when there are no records in the hospital or clinic, they inject him on the skin and wait two or three minutes for reaction. If there is a reaction, it is standard procedure that they do not apply any antibiotics. Now, in this case of a Korean nurse, the patient was brought in and was immediately injected with streptomycin without preliminary precautions.

That is why, Mr. President, the decision on the case of this Korean nurse is not clear — whether she was convicted for illegally practicing medicine or because she did not properly take steps to check whether the patient was allergic or not. So, really, I cannot see when I was approached on this, about the need to prevent nurses from injecting without a legal order. It has never come to fore.

This thing only came about when the newspapers reported about this young 29-year old nurse in Korea who was convicted. But the newspaper account merely extracted a popular notion. When I checked this with Korean embassy officials — and I wanted to dig deep into this, the decision of this was in Korean and I wanted to get a translation — I was informed that the court in Korea was not very clear whether the nurse violated the medical practice law, the Medical Act, or she was convicted of negligence.

Senator TOLENTINO. Mr. President, it appears that one of the contentions of the prosecution in that case was that nurses are not supposed to give injections because this would be a violation of the medical law. Whether that was the basis of the judgment or not, we are not in a position to state. But that was one of the contentions of the prosecution. I have inquired from our doctors here, Mr. President, and I have talked to some members of the Board of Medical Examiners and they say that a mere injection is a practice of medicine because any puncturing of the human body or of the skin is a practice of medicine and so technically, it would be a practice of medicine.

Senator AQUINO. Well, Mr. President, that would be a narrow interpretation of people with vested interests. Naturally, if one is a doctor he does not want anybody to practice his profession. I mean "vested" from the point of view of a doctor who would not want a liberal interpretation of the law. If he can have his will prevailed, he will go for the exclusion of everybody else, only the doctors.



In fact, there were many instances in America where the American Medical Association has a very, very narrow interpretation in the practice of medicine because they believe that as one proliferates the graduates, the competition becomes keen. In these instances, patients do not go to doctor anymore. They only go to nurses for simple colds or simple diseases because the fee is cheaper. Now, I can see the interpretation of the doctor.

Senator TOLENTINO. The nurses are the ones asking for this law, not the doctors. The nurses are the ones asking for this law.

Senator AQUINO. Let me give, Mr. President, other situations. I am really alarmed by these words "legal orders." I realize that this is in Section 7 and that we only added the following words: "The application and execution of legal orders of physicians concerning treatments and medication including HYPODERMIC INTRAMUSCULAR AND INTRAVENOUS INJECTIONS." This will be our amendment.

I would like to refer to the question of the distinguished gentleman from Batangas, Mr. President. Suppose there is a person in extremis and there is no physician in the area. The training and experience of the nurse say that that is the only way to relieve the patient's extreme pain and there is a hypodermic needle and there is a medicine available. Now, does not Your Honor believe that the nurse would be committing a dereliction of duty by not performing this act — rather than following the interpretation here that unless there is a physician's order, a nurse cannot apply the hypodermic needle?

Senator TOLENTINO. Mr. President, there would be no dereliction of duty there because if that is outside of the nursing profession, the scope of the nursing profession, she is not supposed to perform the act. She would not be guilty of dereliction of duty if she does not perform the act. If it is clearly within the scope of the nursing profession, yes, she will be guilty of dereliction of

duty.

Senator AQUINO. Mr. President, let us be realistic. In this country of ours, not all medical health units have doctors. In fact, there are certain areas where they have not even seen doctors. And statistics will tell us that 66% of the babies born in this country have been delivered by midwives.

Now, if we have to make this very, very strict, there is a situation in Mindanao where there is only a registered nurse with 30 years experience. Now, once this law is passed, I am almost sure that they will require a physician's order. We will have to clarify this particular point, Mr. President.

Senator TOLENTINO. Well, they would, yes.

Senator AQUINO. Right now, without this law that has been sired, there is no jurisprudence. But now that we specify, we will now open ourselves to a situation where those actually engaged in the practice for the last 20 years will now have due notice. I wonder if the repercussion of this particular amendment has been taken into account.

Senator TOLENTINO. Well, I suppose the nursing profession has taken that into account when they made a request for the enactment of this bill into law, to such an extent that it is not only in the House of Representatives but also in the Senate that several bills have been filed for this purpose at the request of the nursing profession.

Senator AQUINO. Now, Mr. President, let us discuss this particular legal order. When a nurse is acting as an agent of the principal following a legal order, we feel that she is exempted. Is that correct?

Senator TOLENTINO. That is right, Mr. President.

Senator AQUINO. Now, suppose the nurse knows—because of practice—that by applying that

particular injection it can cause irreparable harm and still carries out the physician's order, is that within the contemplation of legal order?

Senator TOLENTINO. Well, yes. If the order was alright even if the nurse disagrees with the opinion of the doctor, the doctor is the one who treats and not the nurse. It is the doctor who has the function of diagnosis. And after diagnosis, he determines the treatment and the extent of medication to be administered. The nurse may differ in opinion but it is still the doctor who makes the decision. If the nurse just follows the order of the doctor, she is exempt from any legal responsibility.

Senator AQUINO. I will cite an example, Mr. President. For migraine headache, there is a medicine — both oral and by injection — called Migrodol. This ordinarily used for migraine headache. Migraine headache has been diagnosed as a disease caused by tension. Any tension, any excitement, can cause migraine headache. Lately, however, there is a more potent medicine called Ergot, and this medicine has been so effective for migraine headache that it has become a best-seller in the United States and even in Europe under different brand names. However, it was later on found out that if a woman is pregnant up to four months of pregnancy, this particular medicine called Ergot causes the uterus to dilate and, therefore, cause an abortion. Now, there is a bulletin to that effect.

Now, the patient goes to a doctor and says, "I have migraine headache." The doctor prescribes the injection of Ergot and goes to the nurse. The nurse looks at this medicine and looks at the woman and knows that the woman could be pregnant. In fact, they talked about it before going to the doctor. But she did not say that this Ergot could cause her abortion and still carried out the order of the doctor to put the injection. Now, does that fall under legal order, Mr. President?

Senator TOLENTINO. Mr. President, in such circumstances I would think that the nurse is negligent.

Senator AQUINO. Negligent?

Senator TOLENTINO. Yes, because the nurse should have informed the doctor of the physical condition of the patient which she knows. If she did not inform the doctor of that physical condition and the doctor without knowledge of that physical condition prescribes the medicine, before she actually applies the medicine she should at least inform the patient of what may happen.

Senator AQUINO. Well, the defense of the nurse is that since the doctor was the one who diagnosed and interviewed the patient, she took it for granted that the doctor knew what he was doing.

Senator TOLENTINO. That is now a question of negligence.

Senator AQUINO. Negligence?

Senator TOLENTINO. Yes, because we always premise the fact that the nurse is exempted from responsibility if she follows the legal order of a physician and she herself is not negligent. But here she is negligent and she will assume responsibility for her negligence.

Senator AQUINO. Mr. President, let us say I am in pain. I go to a clinic and there is no doctor. I insist that the nurse inject me. She finally yields to my pleading and injects me. If she has done a criminal act, because without a physician's order there is a criminal act, what case will be brought against her — People versus the nurse? Or must I bring and institute the case against her?

Senator TOLENTINO. Mr. President, assuming that there would be a responsibility in a criminal case, it would be the People of the Philippines against the nurse in a criminal prosecution. But if it is for damages, I do not know who will be

responsible for damages when the nurse acted upon the insistence of the patient, unless the nurse knew of the harmful effect of what she has been asked to do.

Senator AQUINO. No, I will be very, very specific, Mr. President. Here is a patient who is suffering and goes to a clinic. The doctor is away. He pleads to the nurse, but the nurse says: "I am sorry, there is no physician's order." But she knows that he has been going there and has been injected and the doctor has prescribed that before already. It has been six months now, and he needs a new prescription. So, they argued, he pleaded, he is in a menacing pain and the nurse finally yielded. She injects him and the man is relieved. Two weeks later, this nurse fights with a janitor there and this janitor accuses her in the fiscal's office that she injected So-and-So. Can the People of the Philippines bring a case against this nurse?

Senator TOLENTINO. Well, yes, because that would be a violation. A case can be brought before the Board of Examiners for nurses for breach of the law on her profession. If there is a criminal liability under that law, she can still be prosecuted for violation of that law not only criminally but administratively in the Board of Examiners.

Senator AQUINO. Well, that is a situation that I would like to advert to. But I can think of another situation where an injection is made on a person who is bleeding. It is a case of coagulation. Now, there is an emergency case where the doctor is away. The person is bleeding and the nurse has been using this medicine on coagulation all these years. If she cannot apply that injection something may happen to the patient. The nurse looks at the patient and the patient is bleeding. And she will say, "Sorry, *wala pang doktor na nagorder sa akin.*" Well, I cannot seem to appreciate that situation.

Senator TOLENTINO. Well, it is very difficult perhaps to appreciate the situation but we have

to consider the larger aspects of the matter, because it would perhaps be easy to call for a doctor, or ask for a doctor to see him. The moment the nurse begins acting on her own, she is not only injecting the medicine but she is diagnosing the patient.

Senator AQUINO. No, Mr. President. This is a simple case of accident. I met an accident. I hit a car. I am bleeding profusely. They applied tourniquet but I am still bleeding. There is a nurse who has been practicing for 20 years and this is what they do ordinarily. But it so happens that at this particular moment the physician is out. But this is a matter of life and death. Now, the nurse injects the medicine.

Senator TOLENTINO. In that case, Mr. President, you don't even have to talk about a nurse. A private person could do it and assume the same responsibility. Because a nurse in acting beyond the scope of her profession, or as long as she is acting beyond the scope of her profession, she is acting just like any other private person and, therefore, would have to be responsible for all the consequences of her act. And she would not be responsible if she does not perform any act on it, because she is not duty bound to perform an act which is not allowed by the law.

Senator AQUINO. Let me put another question, Mr. President. Can there be a delegation of this authority? Can the doctor say, "*Ikaw na ang bahala diyay, para na rin ako ang nagorder sa iyo.*"

Senator TOLENTINO. No, it must be a specific order, Mr. President. The doctor always writes out his order or injection of a particular medicine including the dosage.

Senator AQUINO. It must be written?

Senator TOLENTINO. The law does not specify that it must be written. In hospitals that is the practice. They have the chart and the doctor writes in the chart the order for medication. But sometimes, in private cases, the pat-

ient is at home and he has an attending nurse there and there is the doctor. The doctor does not usually write anymore. Although, there may be a chart also. But the law does not actually require a written order. However, the distinguished gentleman from Pangasinan would want this now to be in writing to be safe, so that the nurse cannot allege that the doctor made such and such orders when probably there were no such orders.

Senator AQUINO. Mr. President, I would like to break this amendment into two. The intramuscular, I think, should not be classified with intravenous because intravenous could be lethal.

Senator TOLENTINO. Precisely, we have stated, Mr. President, that our suggestion is to remove intravenous from this bill and the nurses are agreeable to removing the same from this bill.

Senator AQUINO. Then it would be the idea of the sponsor that all intravenous injection must be administered by the doctor.

Senator TOLENTINO. By the doctor himself.

Senator AQUINO. Well, I think that would be limiting the situation.

Senator TOLENTINO. The reason is that an intravenous injection has a more immediate effect, and if a nurse is allowed to give an intravenous injection, the effect is so immediate that there may be no time to call for a doctor, because the effect may actually cause harm to the patient.

Senator AQUINO. You know, Mr. President, in this particular instance, vaccination is an injection — the use of hypodermic needles.

Senator TOLENTINO. Smallpox vaccination.

Senator AQUINO. Smallpox vaccination is to rupture your skin and put germs there. That is already on a human body.

Senator TOLENTINO. Mr. President, I would not hazard an opinion but I have been told that any rupture or puncture of the human skin is dangerous.

Senator AQUINO. Yes. And for that matter an injection for anti-cholera.

Senator TOLENTINO. We usually have that under the supervision of a physician.

Senator AQUINO. Now, there are certain areas in my province where there are no physicians, and nurses go out to inject people. The Municipal Health Officer usually tells the team of nurses: "All right, you go now to all the schools and I will supervise you." The team goes out, and they inject students. Does Your Honor mean to tell me that when this law is passed, injections must henceforth be specified by the physicians? There are 2,000 students there. He has to say how to inject these 2,000 students?

Senator TOLENTINO. It may not be necessary to specify the names of the persons to whom the injections may be administered. Anti-cholera injections, for instance, or the smallpox vaccinations. It may not be necessary to specify because the physician knows the dosage that is going to be administered to each and every individual.

Senator AQUINO. Whether or not our contention here is that any injection must be done upon the explicit orders of a physician, Your Honor said no one can inject anyone. Your Honor cannot say prospectively, "All right, you inject 2,000 people. *Bahala na kayo diyay.*" Your Honor cannot say that.

Under this interpretation, the physician must be the one to give it in writing per person. This is a rather strict interpretation of that point. And there are certain areas in this country of ours where physicians are not available.

Senator TOLENTINO. In the case cited by Your Honor, it is not actually a delegation.

Senator AQUINO. Is it not?

Senator TOLENTINO. It is not actually a delegation because the physician may not specify the people to whom the injection or the vaccination will be administered. But he determines the dosage that is to be needed. Well, he says: "All right, that can be injected or applied to any individual." That is not actually a delegation, only the physical act — being injected.

Senator AQUINO. All right, here's situation. I go back to my emergency case. The doctor says "I am going away, I won't be back within four hours. But in case of emergency, if anybody comes here, some persons who meet accidents, give only so much dosage." Now, does Your Honor consider that an order already?

Senator TOLENTINO. If there is such an order by the doctor, yes.

Senator AQUINO. That, in effect, covers the nurses.

Senator TOLENTINO. I think a nurse would not assume responsibility for that.

Senator AQUINO. Well, I was trying to get this, Mr. President, because I am afraid that now that we have specified the law, we will be opening up certain cases that have never been opened up before. I just want to go on the record on these questions because when I was approached on this particular point, I said: "Why do you have to bring this up when the law has been silent? There has never been any case brought up in the legal practice of medicine?" But now that that we have specified the practice, we are excluding certain acts, I think we have narrowly interpreted the Medical Act in favor of the physician. Thank you, Mr. President.

Senator ROXAS. Mr. President.

The PRESIDENT. The gentleman from Capiz.

Senator ROXAS. Mr. President, will the dis-

tinguished sponsor yield to some questions?

The PRESIDENT. The sponsor may yield if he so desires.

Senator TOLENTINO. Gladly, Mr. President.

Senator ROXAS. Your Honor, the suggestion of the distinguished gentleman from Pangasinan, the concept of the legal word, would be quite clear if the distinguished sponsor would accept the suggested amendment of the insertion of the word: "written." The only other point I understand is the definition on the the concept of the word "hypodermic injection." Now, with the statement of the distinguished sponsor that the word "intravenous" would be deleted in the period of amendments, this leaves only a difinition or concept of the word "intramuscular." We have already discussed it previously in connection with vaccination.

But, Your Honor, there are still several other matters that need clarification. For example, the anti-allergy tests, and for that matter, injections in the spinal column. Would this be within the concept of intramuscular? Because, as it is, right now, we have only made two classifications — intramuscular and intravenous. How about antirabies shots, which are applied in the spinal column, Your Honor? Where would this fall?

Senator TOLENTINO. Mr. President, frankly, your sponsor does not know, because I do not know what kind of injection is that anti-rabies shots. But does it penetrate into the spinal column or only on the surface? If it is only the surface, it would be hypodermic.

Senator ROXAS. I want to clarify this. How would this fall into the classification of hypodermic injection? Would this be validiy within the capability of a nurse even upon written legal orders?

Senator TOLENTINO. I do not believe that the anti-rabies injection go to the spinal column. I

think, it is just hypodermic, under the skin, but is placed near the spinal column.

Senator ROXAS. It is a very delicate injection. Your Honor, I don't know whether we should include this within the capability of a nurse, even upon written orders of a physician.

Senator TOLENTINO. I am not ready to say, Mr. President, whether that should be excluded from or be within the work of the nursing profession.

Senator ROXAS. Your Honor, there is another instance. How about the injection of dyes?

Senator TOLENTINO. They are intravenous injections.

Senator ROXAS. Sometimes, intravenous, Your Honor. I understand, it is in the spinal column also, specially used in determining whether a person has this sickness or not. So, if it is not intravenous, shall we therefore understand that this is intramuscular? That one excludes the other? That is the question that I pose.

Senator TOLENTINO. Mr. President, what will happen is that if an injection is neither hypodermic nor intramuscular, whatever kind of injection it is, is beyond the scope of the nursing profession. Whether it is considered intramuscular or intravenous or what, so long as it is not hypodermic or intramuscular, it is not within the grant of the authority of this bill.

Senator ROXAS. So, therefore, the scope of this bill includes only hypodermic and intramuscular.

Senator TOLENTINO. Anything else is excluded.

Senator ROXAS. Therefore, so long as it is within the muscles, in plain language, it should be all right.

Senator TOLENTINO. Yes, I think that is all that will be covered here. Puncturing, for instance, the spinal column to get some fluid in case of meningitis or in some other sickness

should not be included here because it is neither hypodermic or intramuscular.

The PRESIDENT. The gentleman from Batangas.

Senator LAUREL. The definition of "intramuscular" refers, I understand, to any injection into a muscle. The heart is a muscle.

How about an injection into the heart? There are such injections in emergency cases.

Senator TOLENTINO. I suppose these are the motor external muscles, not the vital organs. That is a worse situation than intravenous.

Senator ROXAS. At any rate, Mr. President, we seem to have clarified this phrase somewhat, although perhaps, not very clearly. May I suggest, Mr. President, that perhaps, the assistance of a technician or a qualified person on the matter be sought so that we will know exactly the scope of the authority being granted to nurses. Because, as we have been able to bring out that there are so many kinds of injections, even hypodermic, there are instances which may not be quite clear to us. And so with this observation, Mr. President, I believe that information should be gathered on exactly what kind of intramuscular injections are contemplated even to the extent of vaccinations — anti-allergy tests, extraction of fluids, anti-rabbies shots. I think that these instances should be clarified in order that there may be no doubt whatsoever in the interpretation of this bill. Thank you, Mr. President.

Senator ANTONINO. Mr. President?

The PRESIDENT. What is the pleasure of the lady Senator from La Union?

Senator ANTONINO. Mr. President, I wish to inform this Body that I had a talk with Congressman Diaz who sponsored this bill which the House adopted and with some nurses who called on me. The members of the Senate are aware that today the nurses administer all these injections and

they want a law passed under which they will be protected. As an example, the gentleman from Tarlac, the gentleman from Capiz and also the gentleman from Batangas posed the question: Suppose the patient pleads and the nurse takes pity on him. Now that the law is silent, the nurse will be forced to do it at her risk. But if there is a law, the nurse can say, "I am sorry, I am prohibited by Republic Act No. so-and-so or by law."

Another bad practice which should be stopped is the laxity of drugstores in the sale of medicine. One can just buy any kind of medicine from drugstores even without prescription. That is my observation.

And, Mr. President, I want to make this further observation. There are two kinds of medicine, the preventive and the curative. The preventive medicine is that mentioned as an example by the gentleman from Capiz where people are vaccinated by the hundred of thousands in case of epidemic. They think it is just like that. We do not have enough doctors to do it. And there are scientific studies already on medicine that will do no harm, the administration of which is delegated to the nurses to prevent diseases, like anti-cholera, anti-dysentery, anti-typhoid. Then we have the anti-smallpox vaccination. If we have to include those, Mr. President, where we would have a doctor to prescribe for every pupil, I think we will not be able to cope up with remedial or preventive medicine, and many people are doing this and our government and all governments of the world are doing it. They can not simply rely on preventive medicine.

So, Mr. President, I would pass this observation and would plead with this Body to approve this bill allowing nurses to administer hypodermic and intramuscular injections upon doctors' orders because the nurses are pleading to have this law passed before the end of this special session.

Allergy is becoming rampant. What I mean to say is that people are getting to be more allergic to some injections or to some medicine. They

would like something to lean on to prevent friends from asking them to inject without a doctor's prescription. So I would think that with this we will be helping the nursing profession, we will be helping our people learn to go to the doctors and not to molest the nurses beyond their lawful tasks and not administering medicine except on doctor's orders. Thank you, Mr. President.

Senator TOLENTINO. Mr. President, with the permission of the Chamber, may I just ask some questions from the distinguished lady for clarification. We heard some of the questions here on interpellation, one of which, for instance, is whether anti-rabbies injection can be considered as hypodermic or intramuscular to be within the scope of this bill?

Senator ANTONINO. Mr. President, I had been conferring with people in the medical profession because I was supposed to sponsor this bill. They say that maybe under the supervision of the doctor, because generally these injections at the spinal column are usually done by the doctor. If it is ever done by the nurses it will be under the supervision of the doctor. Now if the doctor thinks that the nurse is qualified, because sometimes there are nurses who have more steady hands than some doctors, the nurses do it but under the supervision of the doctor. Anyway we have this on line 4 where we say, "legal orders from the physician," meaning to say that when a nurse begins to give hypodermic injection on doctor's orders, the doctor is responsible, Mr. President. That is the way I look at it and the way the nurses look at it. And so they have appealed for the deletion of intravenous injection. It is also sometimes being delegated but it must be under the supervision of doctors.

Senator TOLENTINO. Thank you.

Senator ANTONINO. Thank you, Mr. President.

Senator TOLENTINO. Mr. President, if there are no further questions, I ask that we go to the

period of amendments.

The PRESIDENT. We are now in the period of amendments. The sponsor will present the committee amendments, if there are any.

Senator TOLENTINO. Committee amendments, Mr. President. On line 5, delete the comma (,) after "treatments" and in lieu thereof insert, "AND."

Senator PADILLA. Mr. President.

The PRESIDENT. Gentleman from Pangasinan.

Senator PADILLA. Would it not be better to place these injections in a separate paragraph — No. (8). In other words, on line 5 make the words, "The application of hypodermic and intramuscular injections" paragraph (8). Then I suggest after the word "injections" on line 7, the following: "IN COMPLIANCE WITH SPECIFIC ORDER IN WRITING OF A PHYSICIAN ATTENDING THE PATIENTS."

By way of explanation, Mr. President, I notice that Section 17 has been amended like the other sections by Republic Act No. 4704. And while the original law did not specify, the amendatory law specifies seven acts. I believe that it would be clearer if these injections were placed in a separate paragraph, because paragraph (7) is general — treatments, medication. Paragraph (8) is more specific — the application of injections, hypodermic and intramuscular.

Senator TOLENTINO. Is that going to be a new paragraph?

Senator PADILLA. Yes, Your Honor, paragraph (8).

Senator TOLENTINO. There is no paragraph (8) in this section now.

Senator PADILLA. No, the last paragraph is No. (7).

Senator TOLENTINO. This is the last paragraph in the basic law.

Senator PADILLA. Yes, Your Honor, in Republic Act No. 4704. That is another point I was going to raise. That proviso in paragraph (7) under Republic Act No. 4704, does it apply only to paragraph 7? I believe the intention is for that proviso to apply to the entire Section 17 with the different specific acts therein mentioned. But as presently worded, it gives the impression that the proviso only applies to paragraph (7).

Senator TOLENTINO. Yes, as worded now, it seems to be applicable only to paragraph (7).

Senator PADILLA. Now, may I be permitted to read Section 17, as amended by R.A. No. 4704:

"SEC. 17. *Scope of practice of nursing.* — A person shall be deemed to be practicing professional nursing, within the meaning and intent of this Act, who shall, for a fee, salary, or other reward, or compensation, perform professional services such as:

(1) Undertaking responsible nursing care and supervision of medical, communicable, mental health and psychiatric patient, surgical, orthopedic, eye, ear, nose and throat, emergency, urologic and gynecologic, pediatric, obstetric and geriatric patients, involving the whole management of care, requiring the application of principles based upon the biological, the physical and social sciences;

(2) The observation of symptoms of physical and mental conditions and needs requiring evaluation or application of principles based upon the biologic, the physical and behavioural sciences;

(3) The accurate reporting and recording of facts, including evaluation of the whole case;

(4) The supervision of others contributing to the nursing care of patients;

(5) The execution of nursing procedures and techniques;

(6) Direction and education to secure physical and mental care; and

(7) "— This is the only portion of Section 17



appearing in this bill—

The application and execution of legal orders of physicians concerning treatments and medication: *Provided, however, That* this provision shall not apply to students and schools and colleges of nursing who perform nursing services under supervision of their instructors and professors of nursing and to exchange professors of nursing."

Now, I believe that on the reading of this Section 17, the intention was that the proviso should apply to the entire section, not only to paragraph (7).

Senator TOLENTINO. Mr. President, it seems that the distinguished gentleman from Pangasinan is right if we consider the context of the whole section. But may I say that it may not be necessary to have a new paragraph (8) because it is our proposal to make paragraph (7) read as follows:

"(17) The application and execution of legal orders "(we may say WRITTEN legal orders)" of physicians concerning treatments and medication, INCLUDING THE APPLICATION OF HYPODERMIC AND INTRAMUSCULAR INJECTION."

And the proviso, I believe, as suggested by the gentleman from Pangasinan could be made a last paragraph without any number.

Senator PADILLA. Yes, Your Honor, we should eliminate the words "*Provided, however, That*" and perhaps say "THIS SECTION."

Senator TOLENTINO. I think that would be all right, Mr. President.

Senator PADILLA. On line 7, eliminate the words "*Provided, however, That.*"

Senator TOLENTINO. May I finish the committee amendment, Mr. President.

The PRESIDENT. The committee amendments first.

Senator TOLENTINO. As I said, eliminate the comma (,) after "treatments" and insert "AND".

That would restore the original provision.

The PRESIDENT. Is there any objection? (*Silence.*) There being none, the amendment is approved.

Senator TOLENTINO. Delete the word "AND" after "medication" and insert in lieu thereof, "INCLUDING."

The PRESIDENT. Is there any objection? (*Silence.*) There being none, the amendment is approved.

Senator TOLENTINO. And on line 6, eliminate the comma (,) after "HYPODERMIC" and in lieu thereof insert the word "AND."

Senator ROXAS. Mr. President.

The PRESIDENT. Gentleman from Capiz.

Senator ROXAS. Just one clarification. May I know the reason for the insertion of the word "AND" after "HYPODERMIC."

Senator TOLENTINO. Because we are eliminating "INTRAVENOUS."

Senator ROXAS. But then it would read "HYPODERMIC AND INTRAMUSCULAR."

Senator TOLENTINO. . . ."INJECTIONS."

Senator ROXAS. What is the use of the word "AND" between 'HYPODERMIC' and INTRAMUSCULAR."

Senator TOLENTINO. That means two kinds of injections are permissible: the hypodermic and the intramascular.

Senator ROXAS. What is the difference, Your Honor.

Senator TOLENTINO. The hypodermic is just below the skin, under the surface. The intramuscular goes into the muscle.

Senator ROXAS. So, this contemplates the anti-

allergic test.

Senator TOLENTINO. Hypodermic includes the anti-allergic test.

Senator ROXAS. Thank you, Your Honor

The PRESIDENT. Is there any objection? (Silence.) There being none, the amendment is approved.

Senator TOLENTINO. On the same line 6, eliminate the comma after "INTRAMUSCULAR" and the words "AND INTRAVENOUS."

The PRESIDENT. Is there any objection? (Silence.) There being none, the amendment is approved.

Senator TOLENTINO. On line 7, eliminate the colon after "INJECTION" and in lieu put a period.

The PRESIDENT. Is there any objection? (Silence.) There being none, the amendment is approved. Now the amendment of the gentleman from Pangasinan.

Senator PADILLA. On line 7, eliminate the words "Provided, however, That" and the word "this" should start with a separate paragraph with a capital "T" and change the word "provision" to "SECTION."

Senator TOLENTINO. Accepted, Mr. President.

The PRESIDENT. Is there any objection? (Silence.) There being none, the amendment is approved.

Senator PADILLA. Now, Mr. President, on that committee amendment on line 4, "The application and execution of legal orders . . ." more correctly lawful orders, what was added there to in line with my suggestion?

Senator TOLENTINO. "...IN WRITING" between "orders" and "of."

Senator PADILLA. So, on line 4, between the words "orders" and "of" insert "IN WRITING."

Senator TOLENTINO. Accepted, Mr. President.

The PRESIDENT. Any objection? (Silence.) There being none, the amendment is approved.

Senator PADILLA. Thank you, Mr. President.

Senator ESPINA. Mr. President.

The PRESIDENT. Gentleman from Cebu

Senator ESPINA. For clarity, may I request the distinguished Floor Leader to read beginning from line 4 up to "INJECTIONS"? How is it amended?

Senator TOLENTINO. As amended, it now reads as follows:

"(7) The application and execution of the legal orders IN WRITING of physicians concerning treatments and medication, INCLUDING THE APPLICATION OF HYPODERMIC AND INTRAMUSCULAR INJECTIONS."

Then a new paragraph:

"This SECTION shall not apply to students... etc."

Senator ESPINA. "INTRAVENOUS" is excluded.

Senator TOLENTINO. Excluded.

Senator ESPINA. Thank you very much.

The PRESIDENT. Is there any other amendment?

Senator ROXAS. Mr. President.

The PRESIDENT. Gentleman from Capiz.

Senator ROXAS. I was wondering whether the distinguished sponsor has provided for an amendment for clarification on the instances which have been previously brought out in the period of interpellation, for example, injections like anti-rabies shot. Would this be included?

Senator TOLENTINO. Well, Mr. President, as we stated, outside of hypodermic and intramuscular injections, all other injections are not authorized for nurses under this provision now.

Senator ROXAS. Now, may I know whether there is a strict medical definition of the word "intramuscular" and that this will obtain in the interpretation of this bill?

Senator TOLENTINO. I know, Mr. President, that there are accepted terms with their respective connotations already in the medical profession. Whatever is the definition there in the medical profession is the one contemplated here.

Senator ROXAS. So we will abide by the legal definition of the medical definition of the word "intramuscular."

Senator TOLENTINO. Yes, Mr. President.

Senator TEVES. Mr. President.

The PRESIDENT. Gentleman from Negros Oriental.

Senator TEVES. I understand intramuscular injections have been eliminated.

Senator TOLENTINO. Yes; not allowed therefore to nurses.

Senator TEVES. Supposing the nurse is directed under the supervision of a physician to perform the intravenous injection. There are many nurses, Your Honor, who are more adept in intravenous injections.

Senator TOLENTINO. Yes, in the presence of physicians.

Senator TEVES. Yes.

Senator TOLENTINO. Well, yes, I think that may be permitted. The real objection only to allowing nurses to administer intravenous injections is because of the immediate effect of the injection — and before a doctor can be called, damage or injury may have already been done.

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Senator TEVES. Precisely, the reaction. So, would the sponsor then entertain an amendment — "INTRAVENOUS INJECTIONS PROVIDED THEY ARE PERFORMED IN THE PRESENCE OF..."

Senator TOLENTINO. Well, as to the phraseology, maybe what can be done is that after the word "INJECTIONS," we could place a colon (:) and add: "PROVIDED, THAT INTRAVENOUS INJECTIONS MAY BE ADMINISTERED UNDER THE DIRECTION AND IN THE PRESENCE OF A PHYSICIAN."

Senator TEVES. Yes, Your Honor.

The PRESIDENT. Is that presented as a committee amendment or as an amendment of the gentleman from Negros Oriental?

Senator TEVES. I would like to present that amendment, Mr. President.

Senator TOLENTINO. We accept the amendment, Mr. President.

The PRESIDENT. Any objection? (*Silence.*) There being none, the amendment is approved.

Senator LAUREL. Mr. President.

The PRESIDENT. The gentleman from Batangas.

Senator LAUREL. Will the distinguished sponsor consider a further amendment to the amendment just introduced by the distinguished gentleman from Pangasinan inserting the phrase "IN WRITING" on line 4 after the words "legal orders"? I am just anticipating a situation where there is no time or there is no need for such legal order to be made in writing, as where the injection is being administered in the presence of the doctor giving the order. If a doctor gives the order verbally and the order is executed in his presence would there still be a need to require such an order to be made in writing? Perhaps after the phrase "IN WRITING," we could add the words "OR IN HIS PRESENCE."

Senator TOLENTINO. I think, Mr. President, the intention of the distinguished gentleman from Pangasinan and Manila was to avoid any doubt as to the existence of the order.

Senator LAUREL. That would be perfectly justified, Your Honor if the doctor is not present when the injection is given. Most of these injections are done by nurses who are actually more skillful than doctors. The nurses are actually often more skillful than the doctors in the matter of injections. They have more experience. I am now speaking of a situation where a doctor is already there, actually present, and telling the nurse, "Okay, inject him." Should we still require the doctor to put that order in writing?

Senator TOLENTINO. Well, logically, in that case, I would not require that it be put in writing unless it becomes a matter of evidence in a prosecution where both the physician and the nurse begin to shift responsibility to each other.

Senator LAUREL. That is my point, Your Honor. It would be unreasonable to require the doctor to put his order in writing where the injection is being done in his presence, pursuant to his verbal order. If the injection is done in his presence pursuant to his verbal order, the verbal order should be sufficient.

Senator TOLENTINO. Well, what is the proposal of the distinguished gentleman from Batangas.

Senator LAUREL. Since the words "IN WRITING" have already been inserted between the words "orders" and "of" on line 4, I would propose the insertion of the phrase "OR IN HIS PRESENCE."

Senator TOLENTINO. That would apply to all kinds of medication and treatment, not only injections.

Senator LAUREL. Yes, Your Honor. I think it is too much to require a doctor to put all his orders down in writing, especially in emergency ca-

ses—and when the patient is dying. The doctor is present, the nurse is there, and the doctor says, "Inject him with this." The nurse should not await for the order to be written before she proceeds to perform the injection.

Senator TOLENTINO. May I suggest this, Mr. President. After the proviso which was the amendment of the distinguished gentleman from Negros Oriental, another proviso may be added, as follows: "PROVIDED, FURTHER, THAT THE PREVIOUS ORDER IN WRITING OF A PHYSICIAN SHALL NOT BE NECESSARY IF THE APPLICATION AND EXECUTION OF SUCH ORDER IS MADE IN THE PRESENCE OF SAID PHYSICIAN."

Senator LAUREL. That would be sufficient.

Senator TOLENTINO. Well, if that is proposed formally, the Committee would have no objection to that, Mr. President.

Senator PADILLA. Mr. President.

The PRESIDENT. The gentleman from Pangasinan.

Senator PADILLA. Just for an observation. In the situation contemplated by the distinguished gentleman from Batangas — the physician is present, he gives a verbal order, and the nurse gives the injection — it will be very easy for the physician to confirm that order in the patient's chart.

Senator TOLENTINO. Yes. That is why we only say that a previous written order is not necessary.

Senator PADILLA. I have no objection, but it might make the very simple provision too complicated with so many provisos.

Senator TOLENTINO. We have to consider the possibility that the situation may require the giving of an immediate injection — and before the doctor can write it down in the chart, the injection has already been given. There is a written order, but it is not a previous written order.

Senator PADILLA. But the amendment does not say that the writing must be done previously, —so many minutes before or so many hours before.

Senator TOLENTINO. Well, that would be the implication.

Senator PADILLA. So long as the order is in writing — whether before, during or after.

Senator LAUREL. Mr. President.

The PRESIDENT. The gentleman from Batangas.

Senator LAUREL. There is some danger in that suggestion that the order may be given "after." Suppose the patient dies right after the administration of the injection, and the doctor thereafter refuses to issue the order in writing. That is actually one way of escaping liability — and only the nurse who will be liable. I was just thinking of an instance where an injection is ordered by a doctor and it is implemented by the nurse in his presence. There should be no written order required in such case, Your Honor.

Senator TOLENTINO. Mr. President, the provision may look a little bit cumbersome, but the idea is there — and I agree that the idea is good. Really, there might be a situation where they may not even be able to think of writing out the order before the injection is given because of the circumstances of the case.

The PRESIDENT. The gentleman from Batangas may formally introduce his amendment.

Senator LAUREL. Mr. President, the amendment has already been introduced and accepted.

The PRESIDENT. It has been indicated by the Majority Floor Leader?

Senator TOLENTINO. Yes, and we have accepted it, Mr. President.

The PRESIDENT. Is the proponent accepting

the amendment?

Senator LAUREL. Yes, Mr. President, I have already indicated my conformity to the amendment as suggested by the sponsor.

The PRESIDENT. Any objection to the amendment? (*Silence.*) There being none, the amendment is approved.

Senator PADILLA. Mr. President.

The PRESIDENT. The gentleman from Pangasinan.

Senator PADILLA. With regard to the amendment proposed by the distinguished gentleman from Negros Oriental regarding intravenous injections, I have no objection. As a matter of fact, I was going to provide for intravenous injections by nurses in the presence or under the supervision of the physician. But I am suggesting, Mr. President, that between the word "INTRAVENOUS" and the word "INJECTIONS," we insert "AND OTHER."

Senator TOLENTINO. "INTRAVENOUS AND OTHER INJECTIONS."

Senator PADILLA. Yes. Because if the law will limit it to first, hypodermic, then intramuscular, and then we place a special requirement for intravenous injections, the enumeration of these three might exclude others.

Senator TOLENTINO. Yes.

Senator PADILLA. And with respect to other kinds of injections, what will be the requirement? Therefore, so long as it is done by a nurse, and in the presence of the physician and under his direction, well, that should cover all kinds of injections. So, my proposal is that intravenous and other injections may be given by nurses in the presence of and under the direction of a physician.

Senator TOLENTINO. Mr. President, without

the consent of the Chamber, if that is agreeable to the distinguished gentleman from Negros Oriental, it is agreeable to the Committee.

Senator PADILLA. So, I propose that between the words "INTRAVENOUS" and "INJECTIONS," insert the words "AND OTHER."

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. Accepted, Mr. President.

The PRESIDENT. Any objection? (Silence.) There being none, the amendment is approved.

Senator PADILLA. Mr. President, for clarification, I would suggest that the title of the bill be amended by inserting between the word "AMENDED" and the comma (,) the words "BY REPUBLIC ACT NUMBERED FOUR THOUSAND SEVEN HUNDRED FOUR."

Senator TOLENTINO. "AS AMENDED BY..."

Senator PADILLA. Yes, Your Honor.

Senator TOLENTINO. Accepted, Mr. President.

Senator PADILLA. The reason, Your Honor, is that when we refer to the Nursing Law, as amended, it is very hard to check the amendatory law. As a matter of fact, when I consulted the basic Nursing Law, I did not see this Section 7. I found it in the amendatory law, Republic Act No. 4704.

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. Accepted, Mr. President.

The PRESIDENT. Any objection? (Silence.) There being none, the amendment is approved.

Senator TOLENTINO. Mr. President, if there are no other amendments, I move that we approve this bill, as amended on second reading.

The PRESIDENT. We shall now vote on the bill as amended on second reading. As many as are in favor of the bill as amended will please say

*Aye.* (Several senators: *Aye.*) As many as are against will please say *Nay.* (Silence.) House Bill No. 1124 is approved on second reading as amended.

APPROVAL ON THIRD READING OF HOUSE BILL NO. 1124

Senator TOLENTINO. Mr. President, this bill is certified, I move that we vote on it on third reading.

The PRESIDENT. Voting on third reading on House Bill No. 1124 is now in order. The Secretary will please read only the title of the bill, if there is no objection. (There was none.)

The SECRETARY:

"AN ACT AMENDING SUBPARAGRAPH SEVEN OF SECTION SEVENTEEN OF REPUBLIC ACT NUMBERED EIGHT HUNDRED SEVENTY-SEVEN, AS AMENDED BY REPUBLIC ACT NUMBERED FOUR THOUSAND SEVEN HUNDRED FOUR KNOWN AS THE PHILIPPINE NURSING LAW."

The PRESIDENT. The Senate will now proceed to vote on the bill. The Secretary will please call the roll.

The SECRETARY:

- Senator Alejandro D. Almendras ..... Absent.
- " Magnolia W. Antonino ..... Yes.
- " Benigno Aquino, Jr. .... Yes.
- " Dominador R. Aytona ..... Absent.
- " Helena Z. Benitez ..... Absent.
- " Jose W. Diokno ..... Absent.
- " Rene Espina ..... Yes.
- " Eva Estrada-Kalaw ..... Absent.
- " Wenceslao R. Lagumbay ..... Yes.
- " Salvador H. Laurel ..... Yes.
- " Genaro F. Magsaysay ..... Absent.
- " Sergio Osmeña, Jr. .... Absent.
- " Ambrosio Padilla ..... Yes.
- " Emmanuel Pelaez ..... Absent.
- " Leonardo B. Perez ..... Absent.
- " Gerardo M. Roxas ..... Yes.
- " Jose J. Roy ..... Yes.
- " Jovito R. Salonga ..... Yes.
- " Lorenzo Sumulong ..... Absent.
- " Mamintal Tamano ..... Yes.

Senator Lorenzo M. Tañada ..... Yes.  
 " Lorenzo G. Teves ..... Yes.  
 " Arturo M. Tolentino ..... Yes.  
 The PRESIDENT ..... Yes.

The PRESIDENT. With fourteen affirmative votes, no negative vote and no abstention, House Bill No. 1124 is approved on third reading.

SUSPENSION OF THE SESSION

Senator TOLENTINO. Mr. President, I ask that we suspend the session for a few minutes.

The PRESIDENT. Any objection? (*Silence.*) There being none, the session is suspended for a few minutes.

*It was 11:52 a.m.*

RESUMPTION OF THE SESSION

*At 11:58 a.m., the session was resumed with the President of the Senate, Hon. Gil J. Puyat, presiding.*

The PRESIDENT. The session is resumed.

CONSIDERATION OF SENATE BILL NO. 478

Senator TOLENTINO. Mr. President, I move that we now consider Senate Bill No. 478 to be sponsored by the distinguished gentleman from Batangas, Senator Laurel.

The PRESIDENT. Consideration of Senate Bill No. 478 is now in order.

The Secretary will please read the bill.

The SECRETARY:

AN ACT AMENDING AND REPEALING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED THIRTY-EIGHT HUNDRED AND FORTY-FOUR, AS AMENDED, OTHERWISE KNOWN AS THE AGRICULTURAL LAND REFORM CODE.

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section Two of Republic Act Numbered Thirty-Eight Hundred and Forty-Four shall be amended to read as follows:

"SEC. 2. *Declaration of Policy.* — It is the policy of the State:

(1) To establish owner-cultivatorship and the economic family-size farm as the basis of Philippine agriculture and, as a consequence, divert landlord capital in agriculture to industrial development;

(2) To achieve a dignified existence for the small farmers free from pernicious institutional restraints and practices;

(3) To create a truly viable social and economic structure in agriculture conducive to greater productivity and higher farm incomes;

(4) To apply all labor laws equally and without discrimination to both industrial and agricultural wage earners;

(5) To provide a more vigorous and systematic land resettlement program and public land distribution; [and]

(6) To make the small farmers more independent, self-reliant and reasonable citizens, and a source of genuine strength in our democratic society [.]; AND

(7) TO GIVE TOP PRIORITY TO MEASURES FOR THE ADEQUATE AND TIMELY FINANCING OF THE AGRARIAN REFORM PROGRAM."

SEC. 2. Section Three of Republic Act Numbered Thirty-Eight Hundred and Forty-Four shall be amended to read as follows:

"SEC. 3. *Composition of Code.* — In pursuance of the policy enunciated in Section two, the following are established under this Code:

(1) An agricultural leasehold system to replace all existing share tenancy systems in agriculture;

(2) A declaration of rights for agricultural labor;

(3) An authority for the acquisition and equitable distribution of agricultural land;

(4) An institution to finance the acquisition and distribution of agricultural land;

(5) A machinery to extend credit and similar as-